



41ST ANNUAL

APRIL 14–15, 2016 | PLYMOUTH

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Tackle Today's Hot Topics in Labor and Employment Law

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Tackle Today's Hot Topics in Labor and Employment Law

2015 brought major changes and significant rulings—the impacts of which are still being explored. Hear up-to-date, expert analyses on topics like noncompete agreement enforcement, shortened union election periods, the 24/7 media cycle, and more. Delve into the latest ways in which *Obergefell* and the legalization of medical marijuana will impact you and your clients. Representatives from major state agencies, the courts, and leading practitioners headline this timely, information-packed event.

How Will Critical Updates Impact You?

ADA accommodation requirements surrounding medical marijuana, the EEOC's take on *Obergefell* and transgender discrimination, the NLRB's current views on social media, and recent MERC and FMLA decisions are just a few of the key updates highlighted this year.

Proven Resolutions to Complex Workplace Issues

Intern, independent contractor, temporary—which is the right category for each member of your workforce? Is your noncompete really protecting your intellectual property? Are you handling I-9s and the variety of visa types correctly? Get answers to these critical questions plus proven strategies to help you navigate their complexities.

Insight from the Bench

It's your chance to be a "fly on the wall." Hear the inside scoop: the likes, dislikes, and pet peeves of five judges representing Eastern and Western District Courts and state Circuit Courts. Understand their perspective on everything from discovery disputes, use of experts, motions, and more.

Especially for HR Professionals

From immigration fundamentals to the risks/rewards of tapping unlikely talent pools, our HR track will help you stay ahead of important trends. You'll learn by doing—participate in audience voting and case study Q&A sessions. And let our experts guide you through 2015's most HR-relevant court decisions—all while earning 8+ hours of HRCI and SHRM credit.

Connections to Help All Year

With 300+ attendees, you'll be able to bounce ideas off of your peers from across Michigan and find mentors who can help you market yourself and grow your practice.

Featured Speakers



Hon. Judith E. Levy

U.S. District Court, Eastern District of Michigan, *Ann Arbor*

Hon. Judith E. Levy was nominated for her position by President Barack Obama and the U.S. Senate confirmed her nomination on March 12, 2014. Judge Levy previously served as an assistant U.S. attorney in the Eastern District of Michigan since 2000, and she was the civil rights unit chief for the last three years.



Adam S. Forman

Epstein Becker & Green PC, *Southfield*

Adam S. Forman's practice focuses on defending claims of wrongful discharge, discrimination, harassment, retaliation, and wage and hour issues. He also represents management in labor arbitrations, unfair labor practice charges, and collective bargaining.



Samuel E. McCargo

Lewis & Munday PC, *Detroit*

Samuel E. McCargo is a senior lawyer and member of his firm's litigation group. Prior to his affiliation with the firm, he was employed by The Wellness Plan for eight years, where he served as vice president, business development and marketing; vice president, plan administration; and associate general counsel.

Hot Topics

Medical Marijuana and the Workplace

Handling Employment Issues Taken Directly to the Media

Trends on Employee Classification

The Impact of Quickie Union Elections

Technology and the E-Workplace

Tapping Unlikely Workforce Talent Pools

Details

April 14–15, 2016

Plymouth, Michigan

The Inn at St. John's

Level: Basic/
Intermediate/Advanced

CLE: 8.25

HRCI: 8.25

SHRM: 8.25

Networking Events

Special Roundtable

Lunch Discussion

Thursday, April 14

See page 5

Midday Reception

Thursday, April 14

See page 5

Discounted rooms available at The Inn at St. John's

See page 4

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Agenda

8:00am Continental Breakfast and Registration *Daily*

THURSDAY, APRIL 14, 2016

- 9:00am Welcome and Section Activity Update
- 9:20am Americans with Disabilities Act Update
- 10:05am Networking Break
- 10:20am Equal Employment Opportunity Update
- 11:05am Family and Medical Leave Act Update
- 11:55am Networking Lunch On-Site
- 11:55am Special Roundtable Lunch Discussion (Pre-Registration Required—Limit 75)
- 1:10pm Fair Labor Standards Act Update

	Employment Law Track	Labor Law Track	Human Resources Track
2:05pm	Medical Marijuana and the Workplace: Clearing the Haze	The Court of Public Opinion: The Practice of Labor and Employment Law in Today's 24/7 Media Cycle	The Year in Review for Human Resources Professionals—Part One
3:00pm	Exhibit Hall Showcase and Midday Reception	Exhibit Hall Showcase and Midday Reception	Exhibit Hall Showcase and Midday Reception
3:45pm	The Changing Definition of the Workforce: Are We All Employees?	NLRB/MERC Update	The Year in Review for Human Resources Professionals—Part Two
4:50pm	A View from the Bench		

FRIDAY, APRIL 15, 2016

	Employment Law Track	Labor Law Track	Human Resources Track
9:00am	LGBT Issues in Employment Law After <i>Obergefell v Hodges</i> *	Quickie Elections: The Practical Effect*	The Risks and Rewards of Tapping Unlikely Talent Pools*
10:05am	Noncompetition Agreements: How to Effectively Implement and Avoid Contractual Restrictive Covenants*	In the Mind of the Arbitrator: Dos and Don'ts for Arbitrators—Avoiding Self-Destruction*	Immigration Fundamentals*
11:00am	Networking Break		
11:15am	The E-Workplace: Reducing Employer Liability Versus Respecting Employee Privacy		

* MP3 download available to all registrants after the seminar.

Accommodations

The Inn at St. John's
 44045 Five Mile Road
 Plymouth, MI 48170

A block of rooms has been reserved at The Inn at St. John's, Plymouth, under ICLE/Labor & Employment Law for April 13–14, 2016. The room rate is \$139/night. Please call 734-414-0600 to reserve a room.

Reservations must be made by March 30, 2016. Registrants are responsible for their own hotel expenses.

Tracks

Plenary Sessions

9:00am/Thursday

Welcome and Section Activity Update

Brian E. Koncius, Chair, Labor & Employment Law Section of the State Bar of Michigan, Bogas Koncius & Croson PC, *Bingham Farms*

9:20am/Thursday

Americans with Disabilities Act Update

Mami Kato, Sachs Waldman PC, *Detroit*; John R. Runyan, Sachs Waldman PC, *Detroit*

10:20am/Thursday

Equal Employment Opportunity Update

Maria Fracassa Dwyer, Clark Hill PLC, *Detroit*; Jeffrey A. Steele, Clark Hill PLC, *Detroit*

11:05am/Thursday

Family and Medical Leave Act Update

Susan Hartmus Hiser, The Murray Group PC, *Bingham Farms*; Brian E. Koncius, Chair, Labor & Employment Law Section of the State Bar of Michigan, Bogas Koncius & Croson PC, *Bingham Farms*

11:55am/Thursday

Networking Lunch On-Site

Relax and mingle with your fellow attendees at our informal lunch.

11:55am/Thursday

Special Roundtable Lunch Discussion

Sit down with the leaders in human resources, labor law, and employment law to learn how they rose to the top of their fields. Share your experiences, meet new contacts, and network with your colleagues. Lawyers: get new ideas on how to market yourself and your practice. Human Resources professionals: get tips on how to maximize your career. (Pre-Registration Required—Limit 75)

1:10pm/Thursday

Fair Labor Standards Act Update

Robert A. Boonin, Dykema, *Detroit*

3:00pm/Thursday

Exhibit Hall Showcase and Midday Reception

Network with colleagues, sponsors, and exhibitors while you enjoy light snacks and complimentary beer and wine.

4:50pm/Thursday

A View from the Bench

Get the lowdown on best practices from state and federal court judges who handle employment law cases on a regular basis. Covering topics such as managing discovery, handling discovery disputes, use of experts and motions too, learn what each judge likes and dislikes, as well as pet peeves.

Hon. Phillip J. Green, U.S. District Court, Western District of Michigan, *Grand Rapids*; Hon. Judith E. Levy, U.S. District Court, Eastern District of Michigan, *Ann Arbor*; Hon. Denise Langford Morris, Sixth Circuit Court, *Pontiac*; Hon. Anthony P. Patti, U.S. District Court, Eastern District of Michigan, *Detroit*

11:15am/Friday

The E-Workplace: Reducing Employer Liability Versus Respecting Employee Privacy

Back by popular demand! Adam provides the latest developments in technology and the workplace such as “disappearing” and “anonymous” apps, live-stream apps, collaboration platforms, and digital interview platforms and explains the NLRB’s most current views on these technologies and how they are impacting employers and employees alike. Get answers to your most pressing questions like: Are posts on social media sites legally protected? Can conduct via employer-provided technology trigger an employer’s duty to take prompt remedial action? What are the risks of implementing a BYOD policy?

Adam S. Forman, Epstein Becker & Green PC, *Southfield*

Employment Law Track

2:05pm/Thursday

Medical Marijuana and the Workplace: Clearing the Haze

Michigan is one of 23 states and the District of Columbia that has legalized medical marijuana. Explore the impact of medical marijuana in the workplace in Michigan and beyond, including drug testing and the implications of positive tests, the duty to accommodate under the ADA, and disciplining employees for medical marijuana use.

Michael W. Groebe, Foley & Lardner LLP, *Detroit*

3:45pm/Thursday

The Changing Definition of the Workforce: Are We All Employees?

Improperly classifying your workforce can result in legal challenges and costly fines. Understanding the importance of properly classifying your workforce is critical. This presentation will focus on the risks of improperly classifying a worker as an intern, an independent contractor, or even a temporary employee and will provide practical strategies to help in making the proper determination.

Megan A. Bonanni, Pitt McGehee Palmer & Rivers PC, *Royal Oak*; Naomi Oglesby, The Murray Group PC, *Bingham Farms*

9:00am/Friday

LGBT Issues in Employment Law After *Obergefell v Hodges*

While *Obergefell* made same-sex marriage legal in all states, its effect on employment issues such as implementing compliant employer policies and navigating the new landscape of potential employment discrimination claims remains murky. Get the latest caselaw and EEOC developments in this area, and discover the EEOC’s current position on transgender discrimination. Identify common areas where this civil rights quagmire is likely to be seen, and get strategies to effectively represent your clients.

Erica Powell Bell, Multi-Training Systems LLC, *Southfield*; Dale R. Price, Jr., U.S. Equal Employment Opportunity Commission Detroit Field Office, *Detroit*; James M. Reid IV, Maddin Hauser Roth & Heller PC, *Southfield*

Tracks

10:05am/Friday

Noncompetition Agreements: How to Effectively Implement and Avoid Contractual Restrictive Covenants

Protection of an employer's intellectual property is often accomplished through the use of noncompete agreements with key employees. Likewise, employers continually search for new employees to assist with development of new products. The tension between those interests often plays out in threatened (or actual) litigation. Get tips for drafting and implementing effective noncompete agreements, and learn strategies for avoiding noncompetes and litigating when the need for enforcement arises.

James F. Hermon, Dykema, *Detroit*; Katherine J. Van Dyke, Jackson Lewis PC, *Southfield*

Labor Law Track

2:05pm/Thursday

The Court of Public Opinion: The Practice of Labor and Employment Law in Today's 24/7 Media Cycle

Rather than addressing employment issues directly with their employers, employees are taking their case directly to the media where they are able to distribute their message quickly and to the masses. Get best practice tips for approaching high-profile employment matters from media savvy employee advocates, defense lawyers and a well-seasoned media veteran. Hear why traditional strategies for addressing workplace issues are no longer effective as we explore the 21st century workplace.

Deborah L. Gordon, Deborah Gordon Law, Gordon & Prescott, *Bloomfield Hills*; Gloria A. Hage, General Counsel, Eastern Michigan University, *Ypsilanti*; Walter Kraft, Vice President Communications & Public Affairs, Eastern Michigan University, *Ypsilanti*; Donica Thomas Varner, University of Michigan Office of the General Counsel, *Ann Arbor*

3:45pm/Thursday

NLRB/MERC Update

Explore the most significant decisions issued by the National Labor Relations Board, the courts, the Michigan Employment Relations Commission, and the Court of Appeals in reviewing MERC decisions.

D. Lynn Morison, Bureau of Employment Relations, *Detroit*; Dynn Nick, National Labor Relations Board, *Detroit*

9:00am/Friday

Quickie Elections: The Practical Effect

What are the implications on the workplace and its employees when union election periods are shortened? Take a look at the process of preparing for and winning expedited union elections and whether the new NLRB rule actually increases the viability of union campaigns or fosters an environment of union avoidance.

Amy J. Zdravecky, Miller Canfield PLC, *Grand Rapids*

10:05am/Friday

In the Mind of the Arbitrator: Dos and Don'ts for Arbitrators—Avoiding Self-Destruction

This presentation will provide specific examples of skills and tactics that may either promote or inhibit successful arbitration hearings. It will also explore case scenarios to demonstrate actual application of effective tools; pinpoint when, where, and how mistakes are made; suggest effective alternative approaches; and offer observations and analyses from two expert arbitrators.

Earlene R. Baggett-Hayes, The Law & Mediation Center PLLC, *Pontiac*; Samuel E. McCargo, Lewis & Munday PC, *Detroit*

Human Resources Track

2:05pm/Thursday

The Year in Review for Human Resources Professionals—Part One

This annual update uses case studies and audience voting to show how the newest court decisions impact your human resources department. Get expert insight and analysis from top experts who advise HR professionals in their practice every day. Bring your questions and get them answered!

Robert A. Boonin, Dykema, *Detroit*; Maria Fracassa Dwyer, Clark Hill PLC, *Detroit*; Susan Hartmus Hiser, The Murray Group PC, *Bingham Farms*; John R. Runyan, Sachs Waldman PC, *Detroit*

3:45pm/Thursday

The Year in Review for Human Resources Professionals—Part Two

Part two of this annual update uses case studies and audience voting to show how the newest court decisions impact your human resources department. Get expert insight and analysis from top experts who advise HR professionals in their practice every day. Bring your questions and get them answered!

Robert A. Boonin, Dykema, *Detroit*; Maria Fracassa Dwyer, Clark Hill PLC, *Detroit*; Susan Hartmus Hiser, The Murray Group PC, *Bingham Farms*; John R. Runyan, Sachs Waldman PC, *Detroit*

9:00am/Friday

The Risks and Rewards of Tapping Unlikely Talent Pools

Finding it difficult to attract and retain good employees? Then this session is for you. Learn about promising new areas where employers are finding talent, and get an update on the risks involved in hiring—and not hiring—applicants with criminal backgrounds. Learn strategies for navigating the line between liability for negligent hiring and discrimination claims for failing to hire, and explore recent EEOC regulations and cases applicable to this area.

Ryan D. Bohannon, Kienbaum Opperwall Hardy & Pelton PLC, *Birmingham*; Shelly Tucker, PhD, Corrections2Community, *Harper Woods*; Gail Wambsgans, American Axle & Manufacturing Inc, *Detroit*

10:05am/Friday

Immigration Fundamentals

Learn the fundamentals of employment-based immigration law, and gain an understanding of common immigration terms and immigrant classifications. Find out the circumstances in which visas may be granted, and explore the variety of visa types and when each is appropriate. Plus, get tips for completing and updating I-9s.

Clara DeMatteis Mager, Butzel Long, *Detroit*

Moderators

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Plenary Sessions and Thursday Employment Law Track
Brian E. Koncius
Chair, Labor & Employment Law Section of the State Bar of Michigan, Bogas Koncius & Croson PC, Bingham Farms



Thursday Labor Law Track
Robert S. Ditillo
Federal Mediation & Conciliation Service, Pittsburgh, PA



Thursday Human Resources Track
Debra M. Lytle
Gift of Life Michigan, Ann Arbor



Friday Employment Law Track
Michelle P. Crockett
Miller Canfield PLC, Detroit



Friday Labor Law Track
James W. Statham
Federal Mediation & Conciliation Service, Troy



Friday Human Resources Track
Gail Wambsgans
American Axle & Manufacturing Inc, Detroit

“ ICLE has been my #1 resource in staying abreast in HR and labor trends ... in my opinion, ICLE is the best and I will not accept substitutions.

Richard Swartz, Securitas Security Services USA, Dearborn

“ A ‘must attend’ program for employment lawyers. I refer to the materials at least every week in my day-to-day practice.

Thomas J. Guyer, Bank of America, Troy

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Prices guaranteed until 04/14/16. ¹Please attach additional sheet listing lawyers attending. ²Registrants will receive the print handbook and electronic materials if no format is specified. Select "electronic materials only" discount or enter SAVE25 online to save \$25 off registration fee. Materials will be posted online before the seminar. **Persons with disabilities or dietary restrictions:** For special arrangements please contact ICLE no later than seven days before the seminar. **Walk-in Registrations:** Permitted on a space-available basis or if registrants fail to claim their seat in the first 15 minutes of the seminar. **Institute Cancellation Policy:** In order to receive a full refund, you must notify ICLE by March 31, 2016. After March 31, a \$45 handling fee will be assessed. No refunds will be issued for cancellations after April 7, 2016.



This program has been approved for 8.25 general recertification credit hours toward PHR, SPHR, and GPHR recertification through the Human Resource Certification Institute (HRCI). The use of this seal is not an endorsement by the HR Certification Institute of the quality of the program. It means that this program has met the HR Certification Institute's criteria to be pre-approved for recertification credit.



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